

REMARKS

Overview

As noted in the prior Office Action, the Examiner previously issued a 4-way restriction requirement, with Group II including claims 8-14 and 33-39. Applicant hereby affirms the prior election without traverse to pursue the claims of Group II in the present application, and correspondingly cancels non-elected claims 1-7, 15-32 and 40-50.

The Examiner also responded in the prior Office Action as follows: objected to the specification; and rejected claims 8-14 and 33-39 under 35 U.S.C. § 103(a) as being unpatentable over Rust (U.S. Patent No. 6,668,273) in view of Teng et al. (U.S. Patent No. 5,930,473) and Rakavy et al. (U.S. Patent No. 5,913,040).

Applicant hereby amends claims 8, 10-12 and 14 in order to clarify the subject matter of their invention. Applicant further hereby cancels claim 9 and adds new dependent claims 51-79. Thus, claims 8, 10-14, 33-39 and 51-79 are now pending.

Analysis

The Examiner has objected to the specification due to a typographical error. Applicant has amended the specification to remove the typographical error, and thus requests that this objection be withdrawn.

The Examiner has also rejected each of the previously pending claims 8-14 and 33-39 under 35 U.S.C. § 103(a) as being unpatentable over Rust in combination with Teng and Rakavy. However, each of the pending claims as rejected includes features and provides functionality not disclosed by the references, and thus each of the pending claims as rejected is allowable. For example, pending independent claim 33 recites a computing device configured by executable instructions to “receive information from a first user identifying a second user as a resource sharing partner” and “receive information from the second user identifying the first user as a resource sharing partner,” with digital media resources from one or both of the users then being automatically shared with the other user after they are uploaded to the server. Previously pending independent claim 8 recited similar language, as do currently pending independent claims 12 and 14 that previously depended from claim 8.

However, none of Rust, Teng or Rakavy teaches or suggests that users who have designated each other as resource sharing partners may automatically exchange digital media resources that they upload. The Examiner has asserted that Rust demonstrates a one-way designation of a recipient by a provider of information, and appears to rely on Teng to teach or suggest that such a 1-way designation could be expanded to a two-way exchange of information between designated partners. However, even assuming that the providing of information to a recipient in Rust is analogous to designating a user as a resource sharing partner, Teng appears to lack any suggestion of users designating other users as sharing partners, as does Rakavy. Instead, Teng is directed to a server that sends video information to various clients, and in fact teaches away from such user designation of partners by describing a system in which clients lack the ability to send upstream communications (the described service “is particularly useful in the case where a viewer client has no upstream communication capability and can only receive information from the server or another client but cannot transmit to the server or client”, Teng, 4:54-58, emphasis added.) Thus, for at least this reason, previously pending claims 33 and 8 and currently pending claims 12 and 14 are patentable over the cited prior art references, as are the claims that depend from them.

Moreover, pending independent claim 8 as amended further recites various elements that are not taught or suggested by the cited prior art references. For example, claim 8 as amended recites “for each of multiple users, receiving information from the user identifying one or more other users as a resource sharing partner with whom the user has chosen to share digital images, the multiple users including a first user who has identified a second user as a resource sharing partner and including the second user who has identified the first user as a resource sharing partner”, and after both the first and second users have uploaded sets of digital images, recites automatically downloading the uploaded images to computing devices of those users’ identified resource sharing partners in a transparent manner. As noted above, none of the cited references teach or suggest such a two-way exchange of digital images between users who have each designated the other as a resource sharing partner, and thus further fail to describe a system in which each user may further have multiple such designated resource sharing partners to whom the user’s uploaded images are automatically downloaded in a transparent manner.

In addition, pending independent claim 12 as amended further recites various additional elements that are not taught or suggested by the cited prior art references. For example, claim 12

as amended recites that the server's actions include "generating at least one meta-data file to describe at least a subset of the one or more digital media resources, the generated meta-data files including one or more indications of resource sharing partner users who uploaded the digital media resources" and "storing the at least one meta-data file in association with the one or more digital media resources described", with dependent claims further reciting the following: "using the generated meta-data files to identify digital media resources uploaded by an indicated resource sharing partner" (claim 76); and that the meta-data file for a digital media resource "includes one or more indications of who downloaded the resource . . . and one or more indications of who uploaded the resource and of descriptive information for the digital media resource" and "without uncompressing the stored digital media resource files, using the generated meta-data files to identify digital media resources as being search results that match indicated search criteria" (claim 78). While the Examiner has asserted that the "advertisement information record" of Rakavy discloses such meta-data files, the advertisements of Rakavy are not digital media resources uploaded by resource sharing partner users for downloading to their resource sharing partners, and Applicant can further find no reference in Rakavy of using "advertisement information records" to identify digital media resources uploaded by an indicated resource sharing partner user or to enable searches for compressed stored digital media resource files without uncompressing the files. Thus, for each of these reasons, independent claim 12 and those claims that depend from claim 12 are allowable over the cited prior art references.

Similarly, pending independent claim 14 as amended further recites various additional elements that are not taught or suggested by the cited prior art references. For example, claim 14 as amended recites that the server's actions include "for each of the one or more digital media resources, tracking the user who uploaded the digital media resource and tracking the users to whom the digital media resource is sent; receiving a request from one of said first or second users requesting that a copy of a digital media resource be shared with a third user, said digital media resource having been previously uploaded to said server by said requesting one of said first or second users, shared with the other of said first or second users, and thereafter removed from both said server and a computing device associated with said requesting one of said first or second users; identifying at least one of each user to have received a previous copy of said digital media resource based at least in part on the tracking; and requesting said previous copy of said digital media resource from said identified user for forwarding to said third user", and dependent

claim 79 further recites that “the identifying of the at least one user to have received a previous copy of the digital media resource to be shared with the third user is based at least in part on the stored meta-data file for that digital media resource”. While the Examiner has asserted that Rust implicitly discloses such functionality and that Teng explicitly discloses such functionality, neither reference appears to have any related functionality or disclosure. In particular, even if Rust discloses that a presenter can direct information to a first recipient and later direct that same information to a second recipient, Rust lacks any suggestion or motivation that the information would be retrieved from the first recipient (rather than being retained on the server or obtained from the presenter) before being forwarded to the second recipient. Moreover, Teng fails to remedy this deficiency of Rust, as the portions of Teng cited by the Examiner merely state that the video server can obtain video information from any of various storage locations (including local storage of a client) when it is to be sent to a designated client – such retrieval is completely unrelated to a situation in which a first user has shared a digital media resource with a second user, and the copies of the digital media resource have subsequently been removed from the server and from the first user’s computing device. Neither reference recites any functionality related to the recited elements of the claim, and thus the only motivation to modify the references to include such functionality is impermissible hindsight based on Applicant’s own disclosure. Accordingly, independent claim 14 and those claims that depend from claim 14 are allowable over the cited prior art references.

The pending dependent claims include the features of those claims from which they depend, and are thus allowable for the same reasons as those claims. Moreover, the pending dependent claims also recite additional features lacking in the cited references, and are thus allowable on the basis of those features as well. For example, claims 56-58 generally recite additional claim elements related to obtaining feedback information from users related to downloaded digital images and providing that feedback to other resource sharing partner users, claims 64-68 generally recite additional claim elements related to activities of resource sharing partner users in editing and/or organizing downloaded digital images, and claims 51-53 generally recite additional claim elements related to timing of storage of digital media resources by the server – in addition, various other of the dependent claims further recite other additional features lacking in the cited references, but are not enumerated here for the sake of brevity. Since none of


the cited references appear to teach or suggest any of these additional features, these dependent claims are further allowable over the cited prior art references for these reasons as well.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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